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IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

In Re:	)	Case No: 19-24803
JOSE SUAREZ AND	)	Chapter 13
MARIELA SUAREZ	)	Judge: Joel T Marker
	)	NOTICE OF PRECONFIRMATION
	)	MODIFICATION TO CHAPTER 13 PLAN
Debtors.	)	

PLEASE TAKE NOTICE that the Debtors have filed with the United States Bankruptcy Court for the District of Utah a request to modify the previously filed Chapter 13 Plan under 11 U.S.C. § 1323. The Debtors move the Court for confirmation of the Plan as modified without further notice and hearing. In support thereof, the Debtors represent as follows:

The most recently filed plan is hereby modified as follows:

Plan Part No.	Previously filed plan provision	Plan as modified

2.3	<p><input checked="" type="checkbox"/> Debtor(s) will treat income refunds as follows: For the next five tax years of 2019, 2020, 2021, 2023, 2024 the Debtor(s) shall pay into the Plan the net total amount of yearly state and federal tax refunds that exceed \$1,000 for each of the tax years identified in such section. If in an applicable tax year, the Debtor(s) receive an Earned Income Tax Credit ("EIC") and/or an Additional Child Tax Credit ("ACTC") on their federal tax return, the Debtor(s) may retain up to a maximum of \$2,000 in tax refunds for such year based on a combination of the \$1,000 allowed above plus the amount of the EIC and/or ACTC credits up to an additional \$1,000. On or before April 30 of each applicable tax year, the Debtor(s) shall provide the Trustee with a copy of the first two pages of filed state and federal tax returns. The Debtor(s) shall pay required tax refunds to the Trustee no later than June 30 of each such year. However, the Debtor(s) are not obligated to pay tax overpayments that have been properly offset by a taxing authority. Tax refunds paid into the Plan may reduce the plan term to no less than the Applicable Commitment Period, but in no event, shall the amount paid into the Plan be less than sixty (60) Plan Payments plus all annual tax refunds required to be paid into the plan.</p>	<p><input checked="" type="checkbox"/> Debtor(s) will treat income refunds as follows: For the next five tax years of 2019, 2020, 2021, 2022, 2023, the Debtor(s) shall pay into the Plan the net total amount of yearly state and federal tax refunds that exceed \$1,000 for each of the tax years identified in such section. If in an applicable tax year, the Debtor(s) receive an Earned Income Tax Credit ("EIC") and/or an Additional Child Tax Credit ("ACTC") on their federal tax return, the Debtor(s) may retain up to a maximum of \$2,000 in tax refunds for such year based on a combination of the \$1,000 allowed above plus the amount of the EIC and/or ACTC credits up to an additional \$1,000. On or before April 30 of each applicable tax year, the Debtor(s) shall provide the Trustee with a copy of the first two pages of filed state and federal tax returns. The Debtor(s) shall pay required tax refunds to the Trustee no later than June 30 of each such year. However, the Debtor(s) are not obligated to pay tax overpayments that have been properly offset by a taxing authority. Tax refunds paid into the Plan may reduce the plan term to no less than the Applicable Commitment Period, but in no event, shall the amount paid into the Plan be less than sixty (60) Plan Payments plus all annual tax refunds required to be paid into the plan.</p>
3.1	<p><b>Creditor:</b> Fay Servicing LLC <b>Collateral:</b> 428 South 1000 West Payson, UT 84651 <b>Current installment payment:</b> \$0.00 <b>Amount of arrearage:</b> <i>Prepetition:</i> \$600.00 <b>Int. rate on arrearage:</b> 0.00% <b>Monthly payment on arrearage:</b> \$120.00 <b>Est. total payments by Trustee:</b> \$600.00</p>	<p><b>Creditor:</b> Fay Servicing LLC <b>Collateral:</b> 428 South 1000 West Payson, UT 84651 <b>Current installment payment:</b> \$150.00 <b>Amount of arrearage:</b> <i>Prepetition:</i> \$754.02 <b>Int. rate on arrearage:</b> 0.00% <b>Monthly payment on arrearage:</b> \$150.80 <b>Est. total payments by Trustee:</b> \$754.02</p>

The modification does not negatively impact secured, priority or nonpriority unsecured creditors because:

It does not provide negative treatment to creditors.

Under § 1323(c), any holder of a secured claim that has accepted or rejected, as the case may

1 be, the prior plan is deemed to have accepted or rejected the plan as modified, unless the  
2 modification provides for a change in the rights of such holder from what such rights were under  
3 the plan before modification, and changes such holder's previous acceptance or rejection.

4 THEREFORE, because the modification does not require notice to creditors, the Debtors  
5 request the Bankruptcy Court to confirm the plan as modified without further notice or hearing.

6  
7 Dated: August 6, 2019

/s/ Andrew T Curtis  
Attorney & Counselor at Law

**CERTIFICATE OF SERVICE BY ELECTRONIC NOTICE (CM/ECF)**

I hereby certify that on August 6, 2019, I electronically filed the foregoing NOTICE OF PRECONFIRMATION MODIFICATION TO CHAPTER 13 PLAN with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users.

- Andrew T Curtis lincolnlaw.orem.atc@gmail.com
- Lon Jenkins tr ecfmail@ch13ut.org, lneebing@ch13ut.org
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov

/s/ Maria Raviela  
Paralegal